

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL NO. 23-CR-92 KWR
vs.)	
)	
MARQUET JOHNSON,)	
)	
Defendant.)	

JOINT MOTION TO TOLL PRETRIAL DEADLINES

Defendant Marquet Johnson, by and through his attorney, Assistant Federal Public Defender James Loonam, and the United States, by and through Kimberly Brawley and Laura Gilson, hereby move this Court for an Order tolling the pretrial deadlines for both parties, including the deadline to file expert witness notices and reports by Monday, October 16, 2023. As grounds for this motion, counsel state the following:

1. On January 25, 2023, a federal grand jury sitting in the District of New Mexico returned a two-count Indictment charging Defendant Marquet Johnson (“the Defendant”), a former prisoner transport officer, with sexually assaulting T.P., a female detainee in his custody, at gun point, at a rest stop in Albuquerque, New Mexico, during a prisoner transport trip. *See* Doc. 2. Count One of the Indictment charges the Defendant with violating 18 U.S.C. § 242 for, while acting under color of law, willfully depriving T.P. of her constitutional right to bodily integrity when he penetrated T.P.’s vulva with his penis without her consent and without a legitimate law enforcement purpose. The Indictment further alleges that the Defendant’s conduct included the use of a dangerous weapon and involved aggravated sexual abuse. Count Two of the Indictment charges the Defendant

with violating 18 U.S.C. § 924(c) for knowingly using, carrying, and brandishing a firearm, during and in relation to a crime of violence charged in Count One. *Id.*

2. On February 6, 2023, Defendant had his initial appearance in the Eastern District of Arkansas, where he resides and was arrested, and was ordered detained. Doc. 5.

3. On March 9, 2023, Defendant was arraigned in the District of New Mexico and ordered detained. Docs. 15, 17.

4. On March 27, 2023, the Court granted an unopposed motion to declare this case complex. Doc. 20.

5. On April 18, 2023, the Court entered a Stipulated Scheduling Order. Doc. 22.

6. On September 24, 2023, the Court granted a joint motion to extend the deadline to file expert witness notices and reports to Monday, October 16, 2023.

7. For the past months, the parties have been engaged in plea negotiations with the hope that a pretrial resolution would be reached in the near future. The parties have recently come to an agreement and anticipate that Defendant will enter a guilty plea in mid to late November.

8. Given that the parties fully expect this case to be resolved with a guilty plea next month, there should not be a need for either party to disclose expert witnesses and reports or to file substantive pretrial motions, etc.

9. The parties, therefore, respectfully request that all pretrial deadlines be tolled while they finalize the plea agreement and schedule a plea hearing before the Court. On the off chance this case is not resolved as anticipated, the parties will promptly work together to propose new pretrial deadlines to the Court.

10. The parties agree that tolling the pretrial deadlines will not prejudice either party and

will not infringe on the Defendant's rights under the Speedy Trial Act. Tolling the pretrial deadlines does not require a continuance of the trial date. The parties further agree that the ends of justice will be served by granting this requested extension.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court toll the pretrial deadlines for both parties and allow time for a change of plea hearing to be scheduled in November 2023.

Respectfully Submitted,

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I HEREBY CERTIFY that I electronically filed
the foregoing with the Clerk of the Court
using the CM/ECF system which will send
notification to counsel for the Defendant.

/s/
KIMBERLY A. BRAWLEY
Assistant United States Attorney